

ORDINANCE NO. 5291

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF MEMPHIS PERTAINING TO THE CONTRACTS OF THE MEMPHIS LIGHT, GAS AND WATER DIVISION RELATING TO SETTLEMENT AGREEMENTS UNDER WORKERS' COMPENSATION LAWS.

Whereas, Section 681 of the City's Charter requires Council approval of any MLGW contracts entailing an obligation or expenditure in excess of Five Thousand Dollars; and

Whereas, Section 675 of the Charter requires Council approval of any salaries, fees or other compensation in excess of \$4,000 per annum of any engineers, subordinate officers, employees, auditors, attorneys, consultants and others employed to render extraordinary services to MLGW; and

Whereas, by Home Rule Amendment No. 3054 to the City's Charter, the Council was authorized to increase by ordinance the amount of contracts, salaries and compensation for employees and others that require Council approval; and

Whereas, the Council has by Substitute Ordinance No. 5046 required Council approval prior to execution of all contracts (other than emergency purchases and spot market purchases of natural gas) entailing an obligation or expenditure, including fees or other compensation of any engineers, auditors, attorneys, consultants and others employed to render extraordinary services to MLGW in excess of Twenty Five Thousand Dollars (\$25,000); and

Whereas, the length of time needed to obtain Council approval of settlement agreements between MLGW and employees pursuant to the workers' compensation laws of the State of Tennessee frequently results in delayed payment of settlement costs and, from time to time, imposition of fines against MLGW in connection with those late payments, the Council desires to except from the requirements of Substitute Ordinance No. 5046, settlement agreements arising in connection with the payment of benefits pursuant to the workers' compensation laws of the State of Tennessee, and believes such action to be in the public interest.

NOW THEREFORE BE IT ORDAINED THAT:

SECTION 1. Notwithstanding the provisions of Substitute Ordinance No. 5046 to the contrary, all settlement agreements between MLGW and its employees pursuant to the workers' compensation laws of the State of Tennessee entailing an obligation or expenditure, shall not require City Council approval in advance of execution.

SECTION 2. BE IT FURTHER ORDAINED That the provisions of this Ordinance are hereby severable. If any of these sections, provisions, sentences, clauses, phrases or parts

are held unconstitutional or void, the remainder of this Ordinance shall continue in full force and effect.

SECTION 3. BE IT FURTHER ORDAINED That this Ordinance shall take effect from and after the date it shall have been passed by the City Council, signed by the Chairman of the Council, certified and delivered to the office of the Mayor in writing by the comptroller, and become effective as otherwise provided by law.

Myron Lowery
Chairman of the Council

THE FOREGOING ORDINANCE
5291 PASSED
1st Reading 1-6-09
2nd Reading 1-27-09
3rd Reading _____

Approved _____
Chairman of Council

Date Signed: _____

Approved: _____
Mayor, City of Memphis

Date Signed: _____

I hereby certify that the foregoing is a true copy, and said document was adopted by the Council of the City of Memphis as above indicated and approved by the Mayor.

Comptroller